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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,617	09/29/2000	Robert Dunstan	042390.P9731	9612
7590	09/14/2005		EXAMINER	
John Patrick Ward Esq Blakely Sokoloff Taylor & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	
			DATE MAILED: 09/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/675,617	DUNSTAN ET AL.
	<b>Examiner</b> Thuan N. Du	<b>Art Unit</b> 2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 12-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 6/27/05).
2. Claims 6-11 have been withdrawn from consideration. Claims 1-5 and 12-23 are presented for examination.
3. Applicant's arguments with respect to claims 1-5 and 12-23 have been considered but are deemed to be moot in view of new grounds of rejection.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites the limitation "the subsystem" in line 3. There is insufficient antecedent basis for this limitation in the claim.
8. Claims 2-5 are also rejected for incorporating the above deficiency by dependency.

***Claim Rejections - 35 USC § 101***

9. Claims 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 5, lines 12-15, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. Rom, RAM, magnetic disk storage media, optical storage media, etc.) and intangible embodiments (e.g. carrier waves, infrared signals, digital signals, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Examiner suggests that the paragraph in the specification page 5, line 10, should be amended as follow: "A machine-readable medium is understood to include any mechanism for storing information in a form readable by a machine (e.g., a computer) such as read only memory (ROM); random access memory (RAM); magnetic disk storage media; optical storage media; flash memory devices; electrical, optical, acoustical; as well as for transmitting information in a form of propagated signals such as carrier waves, infrared signals, digital signals, etc."

***Claim Rejections - 35 USC § 103***

10. Claims 1-5, 12-15 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gephardt et al. [Gephardt] (U.S. Patent No. 5,640,573) in view of Pearce (U.S. Patent No. 5,819,100).

11. Regarding claims 1 and 5, Gephardt teaches a method for controlling a power state of an autonomous subsystem (202) comprising:

receiving from the autonomous subsystem a message [col. 3, lines 50-52, 63-64; col. 4, lines 64-65; col. 6, lines 12-15]; and

setting the power state of the autonomous subsystem based on the message [col. 6, lines 15-28].

Gephardt uses system management interrupt signal SMI to control the power state of the subsystem [col. 4, lines 53-60; col. 5, lines 14-15 (table I)]. Gephardt does not explicitly disclose that the power state of the subsystem is controlled exclusive of a main operating system.

Pearce teaches a method for controlling a power state of a subsystem independently from a main operating system [col. 3, lines 57-58; col. 4, lines 9-11] by activating system management interrupt signal SMI to start the operation of a system management mode [col. 5, lines 1-3; col. 6, lines 1-8].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gephardt and Pearce because they both teach a system for controlling a power state of a subsystem using system management interrupt signal SMI. Moreover, activating system management interrupt signal SMI to start the operation of a system management mode to control the power state of a subsystem without involvement of a main operating system taught by Pearce would reduce an overhead of the main operating system.

12. Regarding claim 2, Gephardt teaches that the message is selected from the group consisting of a full wakeup, a limited wakeup, a resume previous state, and a status request [col. 6, lines 15-35].

13. Regarding claim 3, Gephardt teaches acknowledging a received subsystem message by controlling the clock control signals [col. 6, lines 15-16].

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14. Regarding claim 4, Gephardt teaches that the message is performed without involvement of the main operating system [col. 5, lines 45-55].

15. Regarding claim 12, Gephardt teaches a machine-readable medium having stored thereon instructions, which when executed by a processor, cause said processor to perform the following:

- receiving input signals [col. 3, lines 63-64];
- communicate with an autonomous subsystem (via bus 210) [col. 3, lines 63-65];
- determine a desire power state for the autonomous subsystem based upon received input signals and communications with the autonomous subsystem [col. 3, line 65 to col. 4, line 19; col. 6, lines 15-28]; and
- communicate to the autonomous subsystem the desired power state [col. 6, lines 16-17].

Gephardt uses system management interrupt signal SMI to control the power state of the subsystem [col. 4, lines 53-60; col. 5, lines 14-15 (table I)]. Gephardt does not explicitly disclose that the power state of the subsystem is controlled exclusive of a main operating system.

Pearce teaches a method for controlling a power state of a subsystem independently from a main operating system [col. 3, lines 57-58; col. 4, lines 9-11] by activating system management interrupt signal SMI to start the operation of a system management mode [col. 5, lines 1-3; col. 6, lines 1-8].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gephardt and Pearce because they both teach a system for controlling a power state of a subsystem using system management interrupt signal SMI. Moreover, activating system management interrupt signal SMI to start the operation of a

system management mode to control the power state of a subsystem without involvement of a main operating system taught by Pearce would reduce an overhead of the main operating system.

16. Regarding claim 13, Pearce teaches that the power management is controlled by a user [col. 5, line 5].

17. Regarding claim 14, Gephardt teaches that the subsystem acknowledges a received communication [col. 6, lines 21-25].

18. Regarding claims 15 and 21, Gephardt teaches a system comprising:  
a power state controller (208) having an input port, an output port, and a communications channel (210) [Fig. 1];  
energy monitor signal coupled to the power state controller input port [col. 4, lines 41-43];

an autonomous subsystem (202) coupled to the power state controller input port and the power state controller communications channel [Fig. 1].

Gephardt uses system management interrupt signal SMI to control the power state of the subsystem [col. 4, lines 53-60; col. 5, lines 14-15 (table I)]. Gephardt does not explicitly disclose that the power state of the subsystem is controlled exclusive of a main operating system.

Pearce teaches a method for controlling a power state of a subsystem independently from a main operating system [col. 3, lines 57-58; col. 4, lines 9-11] by activating system management interrupt signal SMI to start the operation of a system management mode [col. 5, lines 1-3; col. 6, lines 1-8]. Furthermore, Pearce teaches that the power management is controlled by a user [col. 5, line 5], therefore, inherently, Pearce must include a user input for the user to initiate a control signal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gephardt and Pearce because they both teach a system for controlling a power state of a subsystem using system management interrupt signal SMI. Moreover, activating system management interrupt signal SMI to start the operation of a system management mode to control the power state of a subsystem without involvement of a main operating system taught by Pearce would reduce an overhead of the main operating system.

19. Regarding claim 22, Gephardt and Pearce do not explicitly disclose that the communications link coupling the power controller to the autonomous subsystem comprising a link having lower bandwidth than a system bus in the computer system. One of ordinary skill in the art would have readily recognized that it would have been obvious at the time of the invention to use the communications link coupling the power state controller to the autonomous subsystem comprising a link having lower bandwidth than a system bus in the computer system. One of ordinary skill in the art would have readily recognized that the amount of data exchanged on the link between the power state controller and the autonomous subsystem is far less than the amount of data exchanged on the main system bus. Therefore, using a low bandwidth communications link would reduce cost and power consumption of the computer system, which would be desirable.

20. Regarding claim 23, Gephardt teaches that the message is transmitted, via communications channel 210, without involvement of the main operating system [col. 5, lines 45-55]. Therefore, inherently, the communication channel is operable without the use of the main operating system.

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21. Regarding claims 18-20, they do not teach or further define over the limitations recited in the claims 12-14. Therefore, claims 18-20 are also rejected as being unpatentable over Gephardt in view of Pearce for the same reasons set forth in claims 12-14.

22. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gephardt et al. [Gephardt] (U.S. Patent No. 5,640,573) in view of Pearce (U.S. Patent No. 5,819,100) and further in view of Goff et al. [Goff] (U.S. Patent No. 6,105,142)<sup>1</sup>.

23. Regarding claim 16, Gephardt-Pearce does not specifically teach the user input is a switch to turn the system on and off.

Goff teaches a key on a keyboard may emulate a power switch (power button).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gephardt-Pearce and Goff because they both teach system for controlling power in a computer system. Goff's teaching of turning the system on and off directly from a keyboard would increase the convenience of the system by allowing a key on Gephardt-Pearce's keyboard may emulate a power switch. Therefore, user input signal sent to the power controller would include power on/off signal.

24. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gephardt et al. [Gephardt] (U.S. Patent No. 5,640,573) in view of Pearce (U.S. Patent No. 5,819,100) and further in view of Arai et al. [Arai] (U.S. Patent No. 5,978,922)<sup>2</sup>.

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<sup>1</sup> Goff was cited in the previous office action.

<sup>2</sup> Arai was cited in the previous office action.

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25. Regarding claim 17, Gephardt-Pearce does not explicitly teach the system including an energy monitor signal coupled to the power state controller for indicating the remaining battery capacity.

Arai teaches a power management system comprising an energy monitor signal coupled to a power controller (controller 8) input port [signal inputted to the controller 8 to indicate the remaining power in a power source] for indicating the remaining battery capacity [col. 5, lines 33-35].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gephardt-Pearce and Arai because it would increase the flexibility of the system by allowing the power control unit of Gephardt-Pearce can also monitor power level of power source to ensure the power source has sufficient power for providing to the subsystem.

### ***Conclusion***

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Thuan N. Du  
September 9, 2005